

Applicant : Ewald Guenther et al.  
Serial No. : 10/065,254  
Filed : September 30, 2002  
Page : 6 of 7

Attorney's Docket No.: 12406-102001 / P2002,0611 US  
E1

### REMARKS

In reply to the Office action of April 6, 2005, applicants submit the following remarks. Claims 1 and 2 have been amended. Applicants respectfully request reconsideration in view of the foregoing amendments and these remarks.

#### Section 102 Rejections

Claims 1, 14, 44 and 45 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by EP 0 910 228 ("Chuo-Ku"). The applicants respectfully disagree.

Amended claim 1 is directed to a device. The device has a substrate, a cap and spacer particles. The spacer particles have a base and an upper portion. The base has a first surface adjacent to the substrate, the first surface having a first width. The first width is wider than the upper portion.

Chou-Ku describes spacers 4 that are round or spherical (Figs. 1-3). Chou-Ku does not describe a spacer particle that has a base with a first surface adjacent to a substrate, the first surface having a first width, the first width being wider than the upper portion. For at least this reason, the applicants submit that Chou-Ku does not anticipate claim 1.

#### Allowable Subject Matter and Comments on Statement of Reasons for Allowance

The applicants thank the Examiner for finding claims 2-13, 15-21 and 43 merely objected to. Claim 2 has been amended to incorporate the limitations of claim 1, with a change in that the base of the spacer particle is wider than the upper portion and the spacer particles have a non-spherical shape.

Because claim 1 as amended is not anticipated by Chou-Ku and claim 2 has been amended to be in independent form, the applicants submit that claims 3-13, 14-21 and 43, as well as 14, 44 and 45, are allowable over Chou-Ku.

Claims 46-48 were allowed. The applicants note that reasons in addition to those provided by the Examiner may exist that make these claims allowable over the applied reference.

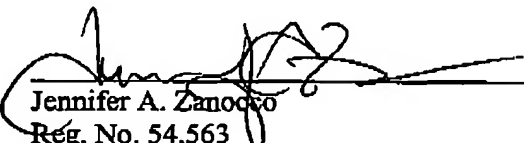
Applicant : Ewald Guenther et al  
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Page : 7 of 7

Attorney's Docket No.: 12406-102001 / P2002,0611 US  
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Respectfully submitted,

Date: August 8, 2005

  
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